August 9, 1995



STATEMENT

Under penalty of perjury, we the undersigned make the following statement:

My name is Vincent D. Luna, employed by Jukebox Radio, Bergen County Broadcast Foundation from February 28, 1993 until May, 1995.

There were times when W276AQ, Fort Lee received audio from Dumont via:

- 1. Microwave Line (microwave dish is installed on top of building next to 75 Second Street This building is occupied by Mikab a company owned by Wes Weis.
- 2. In the event that the microwave link failed a back-up phone line would automatically engage so no interruption of the audio channel could occur. When the system ran in this mode (telephone line), the audio quality heard on 103.1 FM would be slightly diminished.

On a date in early April, I was informed that an FCC inspector was at the Monticello transmitter site. The inspector wanted to see if the Monticello unit could be shut off by remote control from Dumont. Gerry Turro was away at the NAB conference in Las Vegas and was contacted by General Manager, Jay Epstein. Gerry Turro was made aware of the the situation. (Note person A and B, are two employees). I was instructed by Gerry Turro to relieve the staff announcer (A). He (Gerry) told me that he wanted (A) to stand next to the remote control for Monticello while at the same time he wanted person (B) to stand next to the remote control for Fort Lee. He also instructed me to operate the Master Audio Control in the following manner: Gerry told me that he would give me a 3-2-1 countdown - upon 1, I was to drop the audio, Person (A) was to shut down Monticello and Person (B) was to shut off Fort Lee. Turro said that this had to be done to prove that by shutting off Monticello, there would be no way for 94.3 to receive audio and consequently 103.1 should also not be able to receive audio from 94.3 FM. Gerry's attempt at deception failed however

because the remote control for Monticello did not operate and did not shut off the transmitter. The resulting scenario witnessed by the FCC Inspector would show that the audio was indeed silenced but the transmitter was still at full power. There should have been audio heard at all 3 sites - because shutting down the Monticello transmitter does not normally shut down the audio feed.

Person (B) and I were both told by Jay Epstein that our jobs were on the line if we didn't do the above. He said that the station could lose its license and we'd both be out of jobs. The control unit - TC-8, is located under the reel to reel in the studio behind the announcer position. This unit is the remote for the Fort Lee translator. When Light 1 is lit, audio is fed to Fort Lee from Dumont via a microwave dish. The system would divert to a back-up phone line if the dish failed to operate.

When light 5 was lit, I was told that the Fort Lee translator received audio from 94.3. 94.3 received its audio from 99.7 and 99.7 received its audio path from the Dumont studio.

To the best of my knowledge, the system ran in mode 1 most of the time, except at the time of the FCC inspections. When I requested from Gerry an instruction sheet for the Fort Lee remote control, he consistently avoided the issue. All other operations in the radio station had accompanying operating procedure sheets.

No. 41-4943323 Qualified in Guellis County Commission Expires October 17,

STATEMENT OF WILLIAM GAGHAN

- 1. I, William Gaghan, state as follows:
- 2. I reside at 48 William Street, Little Falls, New Jersey. I am currently program employed at Universal Broadcasting of New York, Inc., as a production director. I was employed at Jukebox Radio from March 1, 1993, until May, 1995. I started as a part-time announcer. Gerry Turro later offered me a full-time position as music director and then as program director.
- 3. During the time of my employment at Jukebox Radio, I was primarily involved in the programming aspects of Jukebox Radio. However, I occasionally worked on technical matters under the direction of or as instructed by Gerry Turro. It was my understanding that the Jukebox Radio audio signal was usually transmitted directly from the Dumont, New Jersey, studio of Jukebox Radio to the Fort Lee translator station via a microwave link located atop 75 Second Street, on a building owned by Wes Weiss. In the event that the microwave link failed, there was a back-up telephone line that would automatically engage so that there would be no interruption in the audio signal being delivered to the Fort Lee translator.
- 4. I was able to tell when the Fort Lee translator was receiving the Jukebox

 Radio programming directly from Dumont because of indicator lights on a TC-8 remote

 control unit that was located in the Dumont studio. I was instructed on how to use the TC-8

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remote equipment by Gerry Turro. The TC-8 remote control unit had eight settings, with corresponding buttons and lights for each setting. When the unit was in the number 1 position and light number 1 was lit, Jukebox Radio audio was being sent directly from Dumont to Fort Lee via the microwave link or back-up telephone lines. When the unit was in the number 5 position and the number 5 light was lit, the audio was being received overthe-air at Fort Lee from either the Monticello or the Pomona stations. I was also able to hear the difference between the various audio sources for the Fort Lee translator, which I generally monitored from Dumont. If the Jukebox Radio audio signal was delivered directly to Fort Lee via microwave link or telephone lines, the resulting sound would be good. If, however, the Fort Lee translator received and rebroadcast the signal of the Pomona or Monticelio station, there would be a marked drop-off in audio signal quality. I occasionally took calls in Dumont from listeners who complained of the inferior audio signal broadcast.

5. Gerry Turro not only instructed me on how to use this equipment, but also instructed me that if someone from the FCC ever came around, the Fort Lee TC-8 remote control unit was to be set in the number 5 position. I knew that the Fort Lee translator was required to primarily rebroadcast the signal of the Monticello or Pomona stations. I also knew that Turro did not want the TC-8 remote control unit set in the usual number 1 position if the FCC was around. Therefore, I was able to determine — and it was only common sense—that the number 5 position on the remote control unit indicated that the Fort Lee translator was receiving the over-the-air signal of either the Monticello or the Pomona stations. This arrangement was common knowledge among the staff at Jukebox Radio, who easily figured out what was going on and how this system worked.

- Gerry Turro also instructed the on-air staff, including myself, at Jukebox Radio in Dumont to make written notations regarding a variety of engineering and/or equipment matters, including notations indicating when we were off the air. All air-staff had to fill out the logs. Moreover, I made notations indicating, among other things, when we were off-the-air. Jay Epstein, then general manager of Jukebox Radio, specifically instructed us to log all times we went off the air for purpose of Arbitron ratings. I specifically recall making entries in both the engineering and the programming logs that were kept in Dumont. Unlike the transmitter-related logs I was required to keep at other stations I worked at, Gerry Turro instructed all of us to keep duplicate copies of a programming log and a transmitter or engineering log. We did not, however, take transmitter readings.
- 7. I know of a number of occasions when WIUX in Monticello was off the air, but the Fort Lee translator continued to broadcast the Jukebox Radio programming. After becoming Jukebox radio's music director, I began listening to the station more closely to ensure that we were following the format. While monitoring the Fort Lee station on 103.1 mHz in Dumont, I got a telephone call from a listener of WIUX in upstate New York, Joe Molito. He informed me that we were off in Monticello. I remember telling him that was impossible, as I was then listening to Jukebox Radio programming broadcast from the Fort Lee station on a radio right by my desk in Dumont. There was a similar occurrence involving a former Jukebox Radio weatherman, Dan Ventola, who did his reports from upstate New York and monitored WIUX to ensure his reports were aired. On this occasion he called to advise me that WIUX was not on the air, although I was at that time listening to Jukebox Radio programming broadcast from the Fort Lee station. There were between four

and six other occasions when I was not announcing when the staff would inform me we were off in Monticello, but I continued to hear Jukebox Radio from the Fort Lee station on my radio in Dumont.

- 8. During my employment at Jukebox Radio, I understood that Wes Weiss owned the company that was the licensee of WJUX in Monticello. While at Jukebox Radio, I remember hearing from other employees that Weiss was a front-man for Turro. Other than speaking to him one time about the audio quality of a commercial we aired, I had no discussions with Weiss.
- 9. During my employment at Jukebox Radio, I never understood Jukebox Radio to be a network or network service, and I never broadcast anything like that while I was there.
- 10. I have reviewed my statement dated August 10, 1995 and affirm that the statement contained therein are true.
- 11. In addition, I wish to clarify my recollections regarding what I understood to be an FCC inspection described in my August 10, 1995, statement. I was aware that an FCC inspector was in Monticello the day before and was coming to Dumont the next day to determine if we could control the Monticello transmitter remotely from the Dumont studio. Vince Luna, Bill Owen and I were present in the Dumont studios of Jukebox Radio. Gerry Turro was not present during the asserted FCC inspection, but Vince Luna took instructions

from with him by telephone.

- 12. Turro instructions were that Bill Owen was to take the Monticello transmitter off the air; I was to hold down button number 5 on the TC-8 remote control unit; and Vince Luna was to turn the master gain on the console which would turn off the Jukebox Radio programming to WJUX. It was my understanding that by actually holding down the number 5 button on the TC-8 remote control unit in Dumont, there would be no opportunity for it to switch back to the number 1 button, as sometimes happened, and send the signal directly to the Fort Lee translator via microwave or telephone line. If there was any problem with the TC-8 remote control unit, Luna's turning down the master gain would ensure that no signal would be heard down the line. Moreover, I knew that by holding down the number 5 button, it would keep everything the way it should be, that is keep the over-the-air signal going to WJUX. At the pre-arranged signal from Vince, Vince, Bill, and I each performed the tasks described above. Everything worked as planned with the exception that we were unable to remotely shut off the Monticello transmitter. Nevertheless, our actions that day made it appear that we could actually control the Monticello unit from Dumont, and that by seemingly shutting down that transmitter, we were able to make it appear that the Fort Lee translator ultimately rebroadcast the over-the-air signal of the Pomona translator, which was rebroadcasting the over-the-air signal of the Monticello station. I believe that Turro was trying to trick the FCC inspector that day, but I did nothing in order to protect my job.
- 13. I later determined that things at Jukebox Radio were not on the up and up. I eventually left Jukebox Radio when it became apparent to me that I would ultimately be

replaced. At that time, I believed it was best to move on and pursue other opportunities. When I later learned that Turro was accusing me of turning against him and generally bad-mouthing me to others, I wrote my August 10, 1995, to protect myself in the event that activities at Jukebox Radio were eventually to come out.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 22 day of October, 1997.

William Gaghen



CONFIDENTIAL

August 10, 1995

95080154

STATEMENT

WJUX -FM

Under penalty of perjury, I the undersigned make the following statement:

My name is William Gaghan, employed by Jukebox Radio, Bergen County Broadcast Foundation as Music Director, then Program Director and Afternoon Disc Jockey from March 1, 1993 until May, 1995.

Most of the time, during my employment at Jukebox Radio, programming was sent directly from Dumont, NJ, studios over a microwave dish, located on the building next to 75 Second Street (Wes Weiss building). It was also set up that if Fort Lee lost the microwave signal then it would come over a back-up telephone line. I was told this by Jerry Turro. In fact a couple of times, we were off the air in Monticello, but were still on the air in Fort Lee.

In the main air studio underneath the reel to reel machine and processing equipment, was a panel that consisted of eight lights (TC-8 Remote) operated by a three button system control which was "channel, raise, lower".

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When light #1 was lit, this sent the signal to the Fort Lee translator over microwave or telephone line.

I was told by Gerry Turro if the FCC came around, I was to switch it over to the #5 light this way the signal for Fort Lee was coming from Monticello to Pomona then to Fort Lee.

During my employment, the few times we were off the air in Monticello we would still be on the air in Fort Lee because the light would be in the number #1 position.

I recall one specific episode in April of this year, where I had to partake in a situation that involved me and two other employees. We had received word that an FCC inspector was coming from Monticello (WJUX). Apparently, the inspector wanted to see if the Monticello unit could be shut off by remote control from our Dumont location. Jay Epstein, who is the general manager, told all three of us that our jobs would be in jeopardy if we did not follow Gerry's instructions. Gerry, at that time, was in Las Vegas at the NAB convention. While one employee had to take the Monticello transmitter off the air, I had to hold the switch that controlled the signal being sent to Monticello, while another employee had to turn the master gain on the console. Thus, making it look like we had control of the Monticello transmitter from the Dumont studios.

William Gaghan

EDITH M. ZECCA lutary Public, State of New York

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CONFIDENTIAL

August 10, 1995

95080154

STATEMENT

WJUX -FM

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EDITH M. ZECCA

(William Gaghan

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STATEMENT OF SERGE LOGINOW, JR.

- 1. I, Serge Loginow, Jr., state as follows:
- 2. I am an Engineer in the New York Field Office of the Compliance and Information Bureau of the Federal Communications Commission. The communities of Fort Lee and Dumont, New Jersey, and Pomona and Monticello. New York, are within the jurisdiction of the New York Field Office.
- 3. I conducted various investigations attendant to a complaint of unauthorized operation involving FM Radio Station WJUX. Monticello, New York; Inter-City Relay Station WMG-499, Dumont, New Jersey; Translator Station W276AQ, Fort Lee, New Jersey; and Translator Station W232AL, Pomona, New York. These investigations occurred on April 14 and 15, and May 15, 1995, and were conducted at the request of the Mass Media Bureau. I prepared a report concerning the investigation and forwarded it to the Mass Media Bureau on May 23, 1995. The report is Attached hereto as Attachment A.
- 4. I also conducted investigations attendant to a complaint of unauthorized operation of Inter-City Relay Station WMG-499, Dumont, New Jersey, which was initially associated with the use of FM Noncommercial Station WJUX (now WNJW), Franklin Lakes, New Jersey. These investigations occurred on July 31 and August 2, 1995, and were conducted at the request of the Wireless Telecommunications Bureau. I prepared two electronic messages (i.e., c-mails) dated August 1, and August 4, 1995, reporting my findings. The e-mail messages are attached hereto as Attachment B.

- 5. I have also responded to Interrogatories submitted by Monticello Mountaintop
 Broadcasting, Inc. ("MMBI") and Gerard A. Turro ("Turro"). The response to MMBI's
 Interrogatories, which were filed in this proceeding on August 20, 1997, are attached hereto as
 Attachment C. In addition, the response to Interrogatories submitted by Turro, which were
 filed on August 20, 1997, and a supplemental letter dated September 9, 1997, are attached
 hereto as Attachment D.
 - 6. I have reviewed the attached documents and affirm that the statements contained therein are true.
- 7. In addition, I wish to clarify my statements with respect to my activities on May 15, 1995. In that regard, the testing that I conducted and described in the answers to MMBI's and Turro's Interrogatories lasted approximately 15 minutes. After a few minutes to unpack, locate power, and set up the signal generator, I began the actual testing of frequencies I have previously described. It took me approximately two minutes to properly adjust the three tuning dials on the signal generator to each of the three frequencies I tested, and then an additional 30-45 seconds to actually conduct three separate tests for each frequency. The fact that during the approximately 15 minutes of testing the inter-city relay link was the only detectable source of the Fort Lee translator's audio contributed to my conclusion that the Fort Lee translator was receiving and rebroadcasting its radio frequency signal from Inter-City Relay Station WMG-499, located in Dumont.
 - 8. In the course of preparing this statement, I recalled an additional observation I did not previously note. On August 2, 1995, I observed that Turro, at both the Ft. Lee and

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Pomona locations, does not employ equipment ordinarily used at a translator station.

Specifically, translator stations ordinarily employ a piece of equipment commonly known as a "Translator," which consists of a box-type unit with one input for the receipt of the primary station's signal, and one output to transmit the signal on the translator's frequency. However, I observed that both the Pomona and Fort Lee translators employ separate receivers and transmitters. The reason I did not note this is because there is nothing illegal about this type of translator set up. It is noted, however, that the use of such a system easily allows one to select the audio programming from various inputs, which is ordinarily unnecessary for translators.

9. Finally, I wish to clarify my statements with regard to my activities on July 31, 1995. Although I did not conduct specific on-site testing of the nature of the previous testing I had done, I did listen to the off-air signal of the Fort Lee translator that day. My comparison of what I heard that day and what I had previously heard led to my conclusion, set forth in the August 1, 1995, e-mail, that the Fort Lee translator was not apparently receiving the programming off the air from the Pomona translator.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 21 day of October, 1997.

Serge Loginow, Jr



FEDERAL COMMUNICATIONS COMMISSION Telefax Cover Sheet

Att. A.

Date ___5/23/95

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Name: EIC, New York, NY

Bureau/O: FCC/CIB

Phone: 212-620-3437

Fax Number: _____212-620-3718

TO:

FCC

Organization: <u>CIB. Enforcement</u>

Office: Washington, DC

Fax Number: 202-418-2813

SPECIAL INSTRUCTIONS:

Inspection Report for WXTM Monticello, NY and

W276AQ, W232AL translators.

This Cover Sheet is Page 1 of ______ Pages

000253

RADIO STATION INSPECTION REPORT

WXTM Main Studio - Location

WXTM main studio is located at the existing studio of radio station WVOS AM/FM on Old Route 17 in Ferndale NY. However, there were no signs on the outside of the building to indicate to the public that it is the studio for WXTM (only a WVOS AM/FM sign). No telephone line is set aside for WXTM calls, nor is any line answered as WXTM.

WXTM Main Studio - Staff

The main studio is staffed by General Manager Eugene Blabey and Public Service Director Carol Montana. Eugene Blabey is also the owner of WVOS AM/FM. Carol Montana is also the Business Manager of WVOS AM/FM. She stated that she spends about 25% of her time for WXTM and 75% for WVOS.

WXTM Main Studio - Programming

The main studio for WXTM is a former production room of WVOS leased by Wesley Weis. Blabey states, however, that although it is capable of being used, it has never actually provided programming to the WXTM transmitter. Indeed, he indicated that in order to do so would require going to the transmitter site and effecting a change of cabling at the patch panel to connect the transmitter to the studio.

Programming is 100 percent from Jukebox Radio in Dumont NJ, including music, advertising, news, and callsign identification. A telephone line is used deliver the audio to the transmitter.

WXTM Main Studio - Transmitter Control

There is no remote equipment installed at the main studio to control the WXTM transmitter or to read transmitter operating parameters. The transmitter is controlled full time by personnel of Jukebox Radio in Dumont NJ by telephone line.

WXTM - LMA

There is no Local Marketing Agreement between WXTM and Jukebox Radio. Instead, WXTM entered into a network agreement with Jukebox Radio. A copy of the network agreement, signed by Gerald Turro and Wesley Weis was provided to the inspecting engineer.

Jukebox Radio - STL WMG499

The transmitting antenna for the STL was observed to be in a southerly direction, within a few degrees of the direction of the translator W276AQ in Fort Lee NJ. The STL transmitter was active at the time of inspection, however, the translator at Fort Lee was determined to receiving programming off the air from the translator at Pomona NY operating on 94.3 MHz. The Pomona NY translator was determined to be receiving programming from WXTM on 99.7 MHz. Although the quality of the audio at Pomona and Fort Lee was degraded due to splatter from WBAI (in

000254

New York NY on 99.5 MHz), Turro stated that the condition was due to the WXTM transmitter operating at reduced power due to a recent lighting strike. The inspecting engineer had observed that the operating power at WXTM was reduced.

Jukebox Radio - Control of WXTM

Remote control equipment was observed at Jukebox Radio that was stated to be for the control of WXTM. Gerald Turro, by telephone, stated that he is Chief operator for WXTM, however, he does not receive any salary for that position.

WXTM, Monticello NY, and Jukebox Radio, Dumont NJ inspected on April 13 and 14, 1995 by engineer Serge Loginow Jr.

Fort Lee NJ Translator - Second Monitoring
The Fort Lee translator was monitored again on May 15, 1995.
Audio quality was considered very high, with no detectable splatter from WBAI. While on the top floor of the apartment building housing the Fort Lee translator, the inspecting engineer transmitted a low level signal on the frequencies of 99.7 MHz, 94.3 MHz and 951.0 MHz while listening to the translator signal on 103.1 MHz. The translator output was blocked only with the transmission of a test signal on the frequency of the STL, 951.0 MHz.

-1

Network Affiliation Agreement

Bergen County Community Broadcast Foundation (Network) and Monticello Mountaintop Broadcasting Inc. (MMBI) enter into this network affiliation agreement on Oct. 1, 1994. This agreement will commence at 12:01 AM, Oct. 1, 1994 and terminate at 12:01 AM, Oct. 1, 2004.

Network will provide MMBI with twenty-four hours of programming on a seven day basis, 365 days a year. Network will also provide all local station identifications (Legal ID's), public affairs programming, and Emergency Broadcast System tests.

Network agrees to indemnify MMBI and hold it harmless from any and all fines, surcharges, forfeitures, levies, and any other monetary damages imposed by the F.C.C.

Network is responsible for delivery of usable audio programming to MMBI via satellite, phone lines or other suitable means. Network is responsible for all costs incurred for delivering Network audio. Network will abide by all applicable FCC rules concerning program content.

Network will compensate MMBI for carrying all network programming on a twenty-four hour basis, as follows:

Year One - \$8,575.00 per month

Year Two - \$8,975.00 per month

Year Three - the first six months - \$9,140.00 per month

Year Three - the second six months - \$5,400.00 per month

Year Four - \$5,400.00 per month

Year Five - \$4,675.00 per month

Remaining 5 years - Year 5 plus 5% or the CPI, whichever is greater.

All payments are due and payable, in advance, on the first of the month. MMBI will provide Network with a ten day grace period after the first of the month.

The monthly compensation to MMBI will be reduced by \$3,600.00 per month after the first thirty months of network affiliation.

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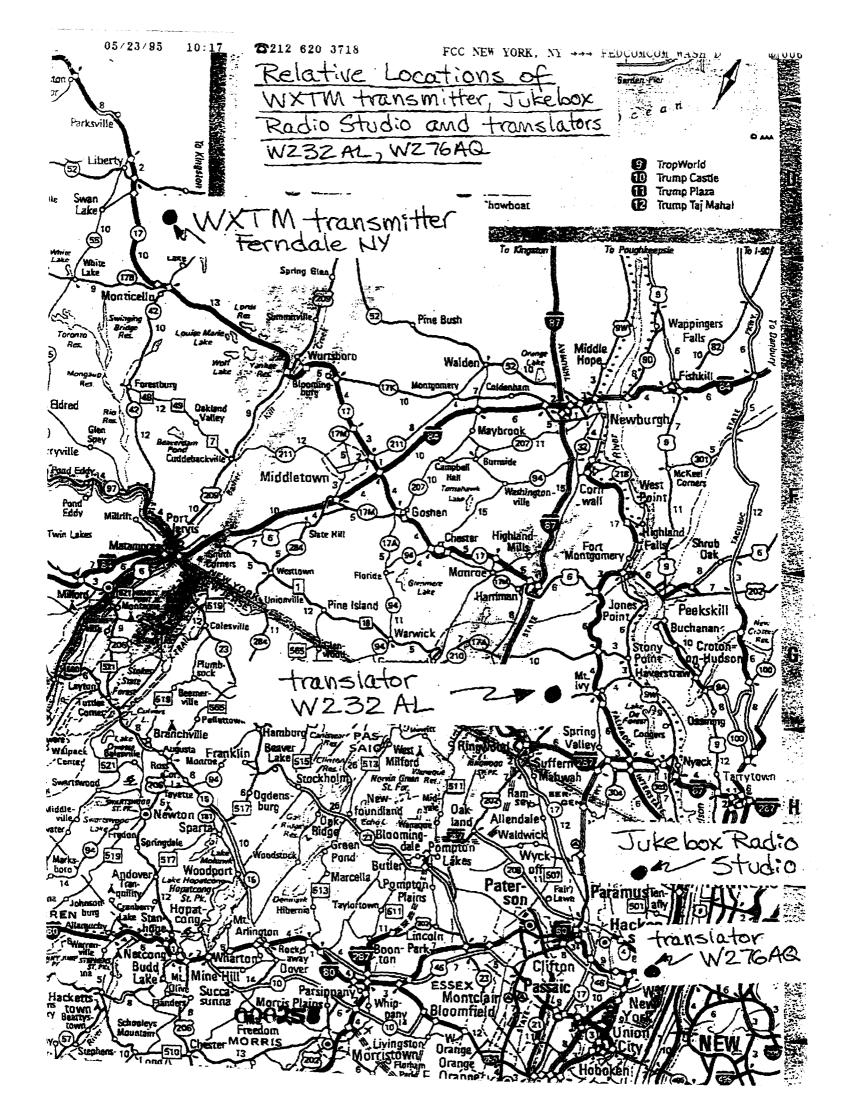
Both parties agree to abide by all applicable FCC rules and regulations.

MMBI agrees to allow translator W276AQ to rebroadcast 99.7 FM, Monticello New York.

This agreement will be binding to Network, its successors, assigns and/or transferees.

IN WITNESS WHEREOF, the parties	
seals this 17 th	day of <u>OCTABER</u> , 19 94.
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From:

Serge Loginow

To:

SLINN, SBARONE

Date:

8/1/95 12:09pm

Subject:

Gerald Turro Update

Gerald Turro Update

On site monitoring in area of Jukebox Radio studio in Dumont NJ on July 31, 1995. The STL (WMG499) was not observed to be in operation on 951.00 MHz, or any frequency near 951.00 MHz.

The audio quality of the Fort Lee NJ translator signal, however, indicated that the input signal was NOT off air from the Pomona NY translator on 94.3 MHz as licensee Gerald Turro claims, but rather from alternate means, presumably via telephone lines. (The audio quality of Fort Lee via off air means had been observed during April 1995 when WXTM Monticello NY and Jukebox Radio was inspected.)